

RQ-279



ID# 14524
CBL-Goy

TEXAS
DEPARTMENT OF TRANSPORTATION

125 E. 11th Street
Austin, Texas 78701-2483
512/463-8585

December 17, 1991

RECEIVED

DEC 20 91

Opinion Committee

Honorable Dan Morales
Attorney General of Texas
P. O. Box 12548
Austin, Texas 78711-2548.

Re: Open Records Request of T.
Michael Neville of the Law
Firm of Cokinos, Bosien, &
Young; Dated December 5, 1991;
Received by TxDOT December 9,
1991

Attention: Ms. Madeleine Johnson
Opinion Committee

Dear Ms. Johnson:

We enclose a copy of the above cited request filed pursuant to Tex.Rev.Civ.Stat.Ann., Art. 6252-17a (the "Open Records Act" or the "Act"). We are releasing to Mr. Neville information responsive to his numbered paragraph requests (3) and (4). We hereby solicit your opinion as to whether the information he requests in numbered paragraphs (1) and (2) may be withheld under Sec. 3 (a)(5) of the Act.

We enclosed copies of information responsive to Mr. Neville's numbered requests (1) and (2). This information contains appraisal reports and information related thereto as to certain property adjoining U.S. Hwy. 59 South in Harris County, Texas. Our right-of-way personnel inform me that four (4) parcels of land related to this project are still subject to acquisition, and are expected to go to a jury trial. Since this is the case, we believe we should be able to withhold the enclosed information pursuant to "acquisition exception." See OR 90-397 and OR 91-084.

We appreciate your attention in this matter. If you require further information, do not hesitate to let us know.

Sincerely,

ACCOMPANIED BY ENCLOSURES —
FILED SEPARATELY

Richard D. Monroe
Richard D. Monroe
Associate General Counsel

Enclosure

COKINOS, BOSIEN & YOUNG

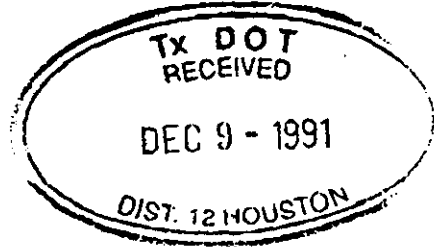
6868 ATTORNEYS AT LAW
6868 TEXAS COMMERCE TOWER
600 TRAVIS
HOUSTON, TEXAS 77002
(713) 225-5500

T. MICHAEL NEVILLE

TELECOPIER (713) 225-5533

December 5, 1991

Mr. Dwight Allen
State Department of Highways
District 12 Engineers Office
P. O. Box 1386
Houston, Texas 77251



RE: Application for Public Information Pursuant to Article
6252-17a of the Texas Open Meetings Act.

Dear Mr. Allen:

I am writing to apply for copies of public records relating to a certain condemnation proceeding affecting property along US Highway 59 in Houston, Texas; and relating more generally to communications from the State Department of Highways and Public Transportation to property owners regarding construction along US Highway 59.

① First, I respectfully request a copy of the "offer letter" from the State Department of Highway and Public Transportation to the landowners regarding Project 8012-1-90, parcel 79, which led to the lawsuit styled the State of Texas v. Jerry J. Moore, et al.; No. 535,578; In County Civil Court at Law Number Three (3) of Harris County, Texas. It is my understanding that the lawsuit was concluded in 1989.

② Second, I would like to look at prelitigation communications from the Department of Highways to the landowners relating to the condemnation proceeding.

③ Third, I would like to obtain copies of any departmental policies or procedures relating to communications to landowners preceding condemnation proceedings that will involve highway construction.

④ Lastly, I am representing a client in litigation that concerns, among other things, what a certain landowner knew regarding the imminence and scope of construction prior to leasing certain real property. If there are other documents relating to the specific condemnation proceeding, or relating generally to the department's policies and procedures in communicating with landowners regarding such construction, I would like to review those records.

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I understand that under the Texas Open Meetings Act the Department of Highways and Public Transportation is entitled to reimbursement of its reasonable copying charges for documents I may obtain in response to this application.

Please call or write me at your earliest convenience to discuss arrangements whereby I may review the requested documents. I look forward to hearing from you.

Sincerely,

T. Michael Neville
T. MICHAEL NEVILLE

TMN:po
1291310(1)

cc: Gregory M. Cokinos

Sharon L. Warner
Office of The Attorney General
(Highway Division)
P. O. Box 12548
Austin, Texas 78711-2548

Accts/Records	
Acquisition	
Appraisal/HS	
Eminent Domain	
Environmental	
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